

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

ALFRED JOHNSON,

Plaintiff,

v.

CITY OF CLEVELAND, et al.,

Defendants.

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CASE NO. 1:23-cv-2193

ORDER

[Resolving Doc. 1-3]

JAMES S. GWIN, UNITED STATES DISTRICT COURT JUDGE:

Plaintiff Alfred Johnson sues Defendants City of Cleveland, Chief of Police Dornat A. Drummond, Deputy Chief Joellen O'Neill, and Jarod Schlacht. Johnson, a former Cleveland Police Commander, alleges that Defendants unfairly instigated biased investigations based on false allegations of misconduct, and then improperly suspended and demoted him after a civil service board found him guilty.¹

Johnson accompanied his state court complaint with a motion for a temporary restraining order.² In his motion for a temporary restraining order, Johnson requests preliminary junctive relief to enjoin Defendants from disciplining him and reinstating him to Commander.³ Defendants removed the case to this Court.⁴

For the following reasons, the Court **DENIES** Plaintiff's motion for a temporary restraining order and the requested injunctive relief.

¹ See Doc. 1-2.

² See Doc. 1-3, PageID #: 23.

³ *Id.* Defendants filed an opposition, which the Clerk's office terminated due to a procedural issue. See Doc. 3, Dkt., Nov. 15, 2023. The Court takes notice of Defendants' filing.

⁴ Doc. 1, PageID #: 1.

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I. BACKGROUND

Plaintiff Johnson acted as a member of the Cleveland Police's Gang Impact Unit (GIU) between 2012 and 2022.⁵ In 2021, Johnson applied for and was promoted to Sergeant, then Commander.⁶ Johnson held supervisory responsibility over other GIU officers in these roles.

Johnson says that certain GIU officers, including Defendant Schlacht, were displeased with his promotion to Commander.⁷ Johnson says those officers believed the Commander position should have been given to a white officer or a black officer who would not object to the Cleveland Police's unlawful practices.⁸ Johnson also says he was hired over Defendants O'Neill and Drummond's protests.⁹

Johnson says that beginning in January 2022, the Defendants began a series of concerted, retaliatory Internal Affairs investigations into Johnson's performance as a supervisory officer.¹⁰ These investigations concerned allegations of excessive use of force and officers' failure to wear body cameras while under Johnson's supervision, *inter alia*.¹¹

Johnson says that he suffered emotional and mental distress and reputational harm because of the investigation.¹²

After two hearings, the Department of Public Safety found Johnson guilty of fourteen misconduct allegations.¹³ As a result, the Department demoted Johnson from Commander

⁵ Doc. 1-2, ¶6.

⁶ *Id.*, ¶17.

⁷ *Id.*, ¶16.

⁸ *Id.*, ¶18.

⁹ *Id.*, ¶15.

¹⁰ *Id.*, ¶¶21-23.

¹¹ See Doc. 301, PageID #: 83-86.

¹² Doc. 1-2, ¶¶25-26.

¹³ Doc. 3-4, PageID #: 391-92.

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to Sergeant, effective September 23, 2023.¹⁴ The Department also suspended Johnson for thirty days, also effective September 23, 2023.¹⁵

Johnson filed a grievance to appeal his suspension.¹⁶ He also filed discrimination claims with the EEOC and the Ohio Civil Rights Commission.¹⁷ Finally, he filed this lawsuit in the Court of Common Pleas, Cuyahoga County.¹⁸ Johnson seeks “an injunction Restraining Defendant City from executing his suspension and restoring his former rank of Commander immediately,” along with damages.¹⁹

II. LEGAL STANDARD

A temporary restraining order is an extraordinary remedy. When determination whether to issue a temporary restraining order, Sixth Circuit courts consider: (1) “whether the movant has a ‘strong’ likelihood of success on the merits;” (2) “whether the movant would otherwise suffer irreparable injury;” (3) whether the order’s issuance would substantially harm others; and (4) the public’s interest in granting a stay.²⁰

III. ANALYSIS

Johnson has not alleged and has not shown irreparable injury that requires interim injunctive relief, so the Court will deny his motion.²¹

¹⁴ *Id.*, PageID #:392.

¹⁵ *Id.*

¹⁶ *See* Doc. 3-7.

¹⁷ Doc. 1-1, ¶32; Doc. 1-4.

¹⁸ *See* Doc. 1, PageID #: 1.

¹⁹ Doc. 1-3, PageID #: 23.

²⁰ *Summit Cty. Democratic Cent. and Exec. Comm. v. Blackwell*, 388 F.3d 547, 550 (6th Cir. 2004) (quoting *Leary v. Daeschner*, 228 F.3d 729, 736 (6th Cir. 2000)).

²¹ *D.T. v. Sumner Cty. Schools*, 942 F.3d 324, 327 (6th Cir. 2019) (“[The irreparable injury] factor is indispensable: If the plaintiff isn’t facing imminent and irreparable injury, there’s no need to grant relief *now* as opposed to at the end of the lawsuit.”) (emphasis original).

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First, the Court cannot enjoin Johnson's thirty-day suspension. Johnson's suspension began on September 23, 2023, and has concluded.²² Any suspension harm has already been visited upon Johnson.

The other relief Plaintiff Johnson seeks—reinstatement to his former position—is fully compensable by monetary damages.²³ Even if Johnson ultimately wins on the merits and is later reinstated, his claims all allege injuries that are quantifiable via monetary damages.²⁴ Johnson does not show how his demotion is an ongoing harm warranting immediate relief. Johnson's requested injunctive relief is therefore unavailable to him.

IV. CONCLUSION

For the foregoing reasons, the Court **DENIES** Plaintiff's motion for a temporary restraining order.

IT IS SO ORDERED.

Dated: November 17, 2023

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

²² See Doc. 3-4, PageID 3: 392.

²³ See *Overstreet v. Lexington-Fayette Urban County Gov't*, 305 F.3d 566, 578 (6th Cir.2002) ("A plaintiff's harm from the denial of a preliminary injunction is irreparable if it is not fully compensable by monetary damages.").

²⁴ See Doc. 1-2, ¶¶37, 42, 45, 51, 56. See also *Ohio Contractors Ass'n v. City of Akron*, No. 5:14CV0923, 2014 WL 1761611, at *8 (N.D. Ohio May 1, 2014) (harms like "loss of work, increased costs, reduced productivity and profit" are "purely economic" and therefore "compensable by money damages").